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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,807	04/21/2000	Ronald Thomas	0114-00004	6803
26659	7590	04/08/2004	EXAMINER	
DINNIN & DUNN, P.C. 2701 CAMBRIDGE COURT, STE. 500 AUBURN HILLS, MI 48326			LUK, EMMANUEL S	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/553,807

Applicant(s)

THOMAS, RONALD

Examiner

Emmanuel S. Luk

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-11 and 14.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ADVISORY ACTION

1. The proposed amendment by the applicants does not place the application in condition for allowance. The argument concerning 'pressurized fluid' and 'pressurized gas' is not persuasive since it is known in the art that gas is also considered a fluid, additionally it is the structure that is of emphasis in an apparatus claim and not the process limitations.

In regards to Hunter, 'substantially blocking' limitation is interpreted that most of the passage is blocked. However, substantially would mean that there is still an amount that would flow past. Thus, the claim limitation still reads upon the Hunter reference.

In regards to Sugiyama and also claims 7-10, the combination of the claims allow for the enlarged distal end of the pin to move from a retracted portion to a forward position. Kazma in particular teaches the enlarged distal end having a pressure surface that is exposed to pressurized fluid (gas) in the hollow passage, the movement of the pin from a retracted end to an extended position allows for fluid material to flow past to the mold. The pin being urged from its retracted position to its extended position is only positively claimed in claim 1, in claim 11, it is only claimed in the alternative.

Additionally, the fluid flow of the material in Kazmer teaches the urging of the pin from the retracted position to the extended position due to the positive pressure of the flow, however, it is the movable piston that will decide whether or not the pin will move.

The only difference is the location of the pin, in Sugiyama, the extension of the pin into the mold cavity is taught and shows that this feature of the pin entering the mold cavity will not interfere with the molding operation. Hunter also teaches pin with a large

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distal end and its movement from a retracted position that would 'substantially' block the passageway and its extended position into the cavity. The combination of Kazma or Hunter with Sugiyama is to emphasize the introduction of the fluid into the cavity that can be cut off or opened with the movement of the valve. The retraction of the valve taught by Sugiyama has a similar effect to the extended position of the Kazma or Hunter, the movement may be different but one skilled in the art recognizes the function of a valve connected to a mold cavity. The applicants arguments have been considered but are not persuasive.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 7 to 4 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL

Shaker
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